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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 001452

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DEPARTMENT FOR EAP/PMBS, INR/EAP  
NSC FOR GREEN

E.O. 12958: DECL: 03/30/2015

TAGS: [PGOV](#) [RP](#)

SUBJECT: SUPREME COURT REJECTS WIDOW'S EFFORT TO TAKE OVER  
FPJ'S ELECTORAL CHALLENGE

REF: A. MANILA 570

[1B](#). 04 MANILA 6096  
[1C](#). 04 MANILA 5959

Classified By: Political Officer Andrew McClearn for  
reasons 1.4 (b) and (d)

[11](#). (C) Summary: The Supreme Court, sitting as the "Presidential Electoral Tribunal," ruled on March 29 that Susan Roces, the widow of Fernando Poe, Jr., could not take over Poe's challenge to the May 2004 election of President Arroyo. There has been little reaction from Malacanang or the opposition to the ruling. The ruling did not affect the electoral challenge case of Loren Legarda, the defeated vice presidential candidate, against Vice President Noli de Castro; that case continues. The opposition might try to use the ruling to energize its supporters to go to the streets, but there are no signs yet of increased political tensions or of a new more overtly political role for Roces. End Summary.

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No to Mrs. Poe  
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[12](#). (U) The Supreme Court, sitting as the Presidential Electoral Tribunal (PET), unanimously ruled on March 29 that Susan Roces, the widow of Fernando Poe, Jr. (FPJ), could not take over as petitioner in Poe's challenge to the May 2004 election of President Arroyo. Both Poe and opposition vice presidential candidate Loren Legarda (see below) had filed electoral protest petitions with the PET on July 23, 2004, after President Arroyo and Vice President de Castro were proclaimed the winners in the election last June 24. In their petitions, Poe and Legarda charged that both President Arroyo and Vice President Noli de Castro had won the election by fraudulent means. Shortly after Poe's death in December 2004, his widow Jesusa Sonora Poe -- better known by her screen name Susan Roces -- filed a motion requesting that she substitute for FPJ and that the court continue to pursue the protest motion.

[13](#). (U) In its 14-page ruling, the court explained that, after many years of similar electoral protests, the PET had "consistently rejected substitution by the widow or the heirs in election contests where the protestant dies during the pendency of the protest." Justice Leonardo Quisumbing, who wrote the opinion, added that Roces was not the "real party in interest," according to existing PET rules that specifically allow for electoral protests by second or third-place finishers in both the presidential and vice-presidential elections. (Note: In the May 10, 2004 contest, Arroyo won with 12,905,808 votes, Poe finished a close second place, and challenger Panfilo Lacson finished third. Lacson did not protest the election results. end note) Roces now has 15 days to file a motion for reconsideration, but there seems little to no possibility of the success of such a motion.

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No Official Reaction from Malacanang  
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[14](#). (U) Malacanang has so far not issued an official reaction to the ruling. According to press reports, however, President Arroyo was relieved with the decision. Romulo Macalintal, Arroyo's main electoral attorney, publicly applauded the decision. He urged the opposition to accept that the case is over.

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Opposition almost mum  
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[15](#). (C) There has been little reaction, so far, from the opposition to the ruling. Minority House leader Francis Escudero, after a discussion with Roces, said that Roces and Poe supporters were "shocked that in one sweep, (the PET) junked the two petitions." He added Roces was disappointed to learn of the decision first through the media, and that

many FPJ supporters would continue to doubt the results of last year's election. Senate Minority leader Aquilino Pimentel told reporters that opposition forces should unite to accept the decision and agree not to continue the protest and "destroy FPJ's name as a man of peace." Other opposition sources told poloff that the opposition had no single unified position regarding the ruling as of yet. One contact said that many in the opposition were not surprised by the result, as most expected that the protest would fail "because the court is packed with supporters of Arroyo." (Note: Arroyo has nominated 8 of the 15 justices. end note)

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Roces' future undecided  
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16. (C) Roces, personal lawyer Harriet Demetriou told poloff on March 30 that Roces and her legal team would most likely file a motion for reconsideration. Queried about widespread reports that Roces might be tempted to become involved in politics, Demetriou replied that Roces was still in mourning over the sudden death of her husband last December. She added that "in the Filipino context, it is too soon for Susan to be seen taking up the political legacy of FPJ" and that that it would be "unseemly" for Roces to capitalize on FPJ's fame without additional grieving. She also highlighted that, in recent discussions, Roces had not made any decision on whether to enter the tumultuous world of Filipino politics. Without naming personalities, Demetriou claimed that many leaders in the opposition had privately told Roces that she should assume the leadership of the anti-Arroyo camp. She said several opposition leaders hoped that Roces could assume a "Cory Aquino-like role in the national political arena," but predicted that Roces would only enter the political game "on her own terms," if at all.

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VP Case Continues  
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17. (C) The ruling did not concern Legarda's electoral challenge case, which will continue. Legarda had run under the same coalition banner as FPJ in the 2004 election, and lost the race for vice president to Noli de Castro by a slightly larger margin than FPJ lost to Arroyo. Evelyn Dumdum, Director of the Supreme Court's Program Management Office, told poloff on March 30 that Legarda's case was ongoing, although "the sense among the justices indicated a desire to get past this case by June or July of this year." Dumdum added that Legarda's legal team was still struggling to come up with sufficient funds to press forward with the expensive protest case, and she speculated that it would be difficult for Legarda to continue her case given the recent unanimous decision in the similar FPJ protest. Legarda has yet to issue any public comment on the Poe/Roces suit.

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Comment  
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18. (C) The ruling should bring some relief for President Arroyo and enable her team finally to put this electoral challenge behind them. The opposition might still try to use the ruling to energize its supporters to go to the streets, but there are no signs of increased political tensions so far, or improved prospects for intra-opposition coordination and organization. If the ruling somehow energizes Susan Roces to get involved in politics, however, she could prove to be a considerable boon to the weak, fragmented opposition.

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